

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

---

TRAVIS HAYWARD, on behalf of himself,  
and others similarly situated,

Case No. 17 CV 2944  
(ILG)(CLP)

-against-

Plaintiff,

**NOTICE OF  
CROSS-MOTION  
FOR SUMMARY  
JUDGMENT**

IBI ARMORED SERVICES, INC., and  
MICHAEL SHIELDS,

Defendants.

---

**PLEASE TAKE NOTICE**, that upon the Declaration of Peter H. Cooper, Esq., dated October 26, 2018, with exhibits annexed thereto; the Statement of Undisputed Material Facts pursuant to Local Civil Rule 56.1; the affidavit of plaintiff Travis Hayward, sworn to on June 20, 2017; and the accompanying memorandum of law, as well as all of the pleadings and proceedings heretofore had herein, the undersigned counsel for plaintiff Travis Hayward and opt-in plaintiffs, will move this court, before the Honorable I Leo Glasser, Senior Judge of the United States District Court for the Eastern District of New York, at the United States Courthouse, located at 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the court, for an order:

- (i) denying defendants' motion for partial summary judgment to dismiss certain claims in plaintiffs' complaint, in its entirety;
- (ii) awarding plaintiff Travis Hayward, and opt-in plaintiffs, summary judgment or a declaratory judgment on their claim for minimum overtime compensation pursuant to the New York Labor Law and implementing

regulations, such that those plaintiffs who were otherwise exempt from overtime by reason of the Motor Carrier Act, were entitled to the minimum overtime rate of one and one-half times the basic minimum hourly rate for hours worked in excess of forty (40) per week;

- (iii) awarding plaintiff Travis Hayward, and opt-in plaintiffs, statutory penalties under the New York State Wage Theft Prevention Act; and
- (iv) awarding such other, further, and different relief that the Court determines to be just and proper.

Dated: New York, New York  
October 29, 2018

Respectfully submitted,

CILENTI & COOPER, PLLC



By:

---

Peter H. Cooper, Esq. (PHC 4714)  
**Attorneys for Plaintiff/opt-in Plaintiffs**  
708 Third Avenue – 6<sup>th</sup> Floor  
New York, New York 10016  
Telephone (212) 209-3933  
Facsimile (212) 209-7102

To: Stacey L. Pitcher, Esq.  
Matthew Beckwith, Esq.  
OBERMAYER REBMANN  
MAXWELL & HIPPEL LLP  
**Attorneys for Defendants**  
521 Fifth Avenue – 34<sup>th</sup> Floor  
New York, NY 10175  
Telephone (917) 994-2551